

# UTAH DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

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## **REQUEST FOR EXEMPTION FROM (FMB) CLASSIFICATION**

*Effective October 1, 2008, flavored malt beverages (FMBs) are classified as liquor, not beer in Utah regardless of alcohol content and may only be sold through the UDABC and retail establishments licensed to sell liquor. However, a manufacturer may submit evidence that a particular product is not an FMB and should be classified as “beer” not “liquor” based on certain criteria in Utah Code Section 32A-1-803(5) as outlined below.*

*A manufacturer or supplier that wants to sell a product classified as “beer” in Utah must hold either a Utah manufacturing (brewery) license or a Certificate of Approval for a brewer located outside Utah.*

1. Business Name of Manufacturer / Supplier: \_\_\_\_\_

2. Mailing Address: \_\_\_\_\_  
Street / PO Box

\_\_\_\_\_ City State Zip Code

3. E-Mail Address(s): \_\_\_\_\_

4. Business Phone(s): \_\_\_\_\_ Fax: \_\_\_\_\_

5. Contact Person: \_\_\_\_\_ Phone Number: \_\_\_\_\_

6. Local Representative (if any): \_\_\_\_\_ Phone Number: \_\_\_\_\_

7. List each brand you wish to be sold as “beer” in Utah (or attach sheet with same information):

_____	_____
_____	_____
_____	_____
_____	_____

8. Please attach the following for each brand:

- a) a copy of the statement of process or formula filed with the United States Alcohol and Tobacco Trade and Tax Bureau pursuant to 27 C.F.R. Sec. 25.55;
- b) a statement of analysis for alcohol content (may not exceed 4% by volume / 3.2% by weight);

c) evidence that the product:

- is obtained by fermentation, infusion, or decoction of a malted grain;
- is produced by processing, filtration, or another method of manufacture that is generally recognized as a traditional process in the production of beer as described in 27 C.F.R. Sec. 25.55;
- does not have added to it a flavor or other ingredient containing any alcohol, except for a hop extract; and;
- either is not one for which the producer is required to file a formula for approval with the United States Alcohol and Tobacco Trade and Tax Bureau pursuant to United States Alcohol and Tobacco Trade and Tax Bureau pursuant to 27 C.F.R. Sec. 25.55, or is exempt under Subdivision (f) of United States Alcohol and Tobacco Trade and Tax Bureau pursuant to 27 C.F.R. Sec. 25.55

9. I verify and attest that the information contained herein and attached hereto is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Name / Title *(please print)*

STATE OF: \_\_\_\_\_

COUNTY OF: \_\_\_\_\_

Subscribed & sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public {& Seal}